

**Amendments to the Drawings:**

The attached sheets of drawings include changes to Figures 1, 2 & 4A. Figures 1 and 2 have been amended to include "Prior Art" legends, and Figure 4A has been amended to illustrating a missing step.

Attachments:            Submittal of Drawing Replacement Sheets

## **REMARKS/ARGUMENTS**

### **1.) Priority**

The Examiner noted that the specification would require an amendment if Applicants desire to claim the benefit of a prior-filed application under 35 U.S.C. §§119(e). An error was made on the previously-submitted Declaration and Power of Attorney, incorrectly listing the corresponding PCT application under the §119(e) section. The application, however, only claims priority under the PCT application under §371; therefore, no amendment to the specification is required.

### **2.) Examiner Objections – Drawings**

The Examiner objected to Figures 1 and 2 on the basis that they should include a "prior art" legend. The Applicants submit herewith drawing replacement sheets with the appropriate legend.

The Examiner also objected to Figure 4A on the asserted basis that "a step is missing from the flow diagram when the [sic] there is no suitable bandwidth available." The Applicant submits herewith a drawing replacement sheet illustrating the missing step.

### **3.) Examiner Objections – Specification**

The Examiner objected to the specification was objected to because of several informalities. The Applicant thanks the Examiner for his careful review of the specification. In response, the Applicant has modified the specification as suggested by the Examiner. The Examiner's consideration of the amendments to the specification is respectfully requested.

### **4.) Claim Rejections – 35 U.S.C. §101**

The Examiner rejected claims 1-19 on the asserted basis that those claims are directed to non-statutory subject matter. The Examiner states that, although claims 1 and 11 are directed to a method and electronic circuitry for channel allocation, they are non-statutory because they "do not produce a useful, concrete and tangible result." The

Examiner, however, provides no rationale or reasoning for his conclusory statements. Thus, the Applicants are unable to cogently respond to the Examiner's rejection, for which the Examiner has not made a *prima facie* showing. Therefore, the Applicants respectfully request that the Examiner either withdraw the rejection or state his reasons therefore.

**5.) Claim Rejections – 35 U.S.C. §102(e)**

The Examiner rejected claims 1-20 stand as being anticipated by Magnusson (US 2003/0099282 A1). The Applicants traverse the rejections.

First, it is to be remembered that anticipation requires that the disclosure of a single piece of prior art reveals every element, or limitation, of a claimed invention. Furthermore, the limitations that must be met by an anticipatory reference are those set forth in each statement of function in a claims limitation, and such a limitation cannot be met by an element in a reference that performs a different function, even though it may be part of a device embodying the same general overall concept. Whereas Magnusson fails to anticipate each and every limitation of claim 1, that claim is not anticipated thereby.

Claim 1 recites:

1. A method for allocating channel resources in a radio communication system, the method comprising:  
receiving a request for allocation of a channel resource;  
allocating a specific channel resource according to a predetermined rule which includes considering an estimate of when said specific channel resource will be released and estimates of when other previously allocated channel resources will be released. (emphasis added)

The Applicants' invention is directed to the efficient allocation of channel resources in a radio communication and is characterized by allocating specific channel resources based on an estimate of when a specific channel resource will be released as well as estimates of when other previously allocated channel resources will be released. This aspect of the invention is not taught by Magnusson.

Magnusson teaches the allocation of OVSV codes according to a method wherein when a code of level  $k=i$  is requested for a connection, a free code of the  $i^{\text{th}}$  level whose subtree structure from the root of the code tree has a largest combined weight; the combined weight is a sum of weights for all codes that are allocated in the subtree [00052]. In certain modes, the weights can be values related, for example, to a duration of allocation. Such weights can be statistically derived, for example, based on service type or on individual user behavior [00062; 00043]. In contrast, as recited in claim 1, the Applicants' invention allocates a specific channel resource as a function of an estimate of when the specific channel resource will be released and estimates of when other previously allocated channel resources will be released. Thus, claim 1 is novel in view of Magnusson at least for the reason that in the OSVF code allocation scheme disclosed in Magnusson, there is no consideration of when the OSVF code about to be allocated will be released. Therefore, Magnusson fails to anticipate claim 1.

Whereas claim 11 recites limitations analogous to those of claim 1, it is also not anticipated by Magnusson. Furthermore, whereas 2-10 and 12-20 are dependent from claims 1 and 11, respectively, and include the limitations thereof, they are also not anticipated by Magnusson.

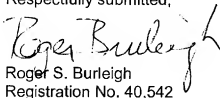
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**CONCLUSION**

In view of the foregoing amendments and remarks, the Applicants believe all of the claims currently pending in the Application to be in a condition for allowance. The Applicants, therefore, respectfully request that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 1-20.

The Applicants request a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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